

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Klaus Rudolf, et al) Art Unit: 1625
Serial No. : 10/687,262) Examiner: Perlinger, S.E.
Confirmation No. : 9943
Filed : October 16, 2003
For : Selected CGRP antagonists, processes for preparing them and their
use as pharmaceutical compositions
Docket No. : 1/1402

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

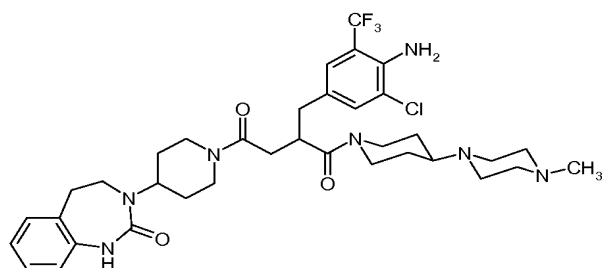
RESPONSE TO ELECTION / RESTRICTION

Sir:

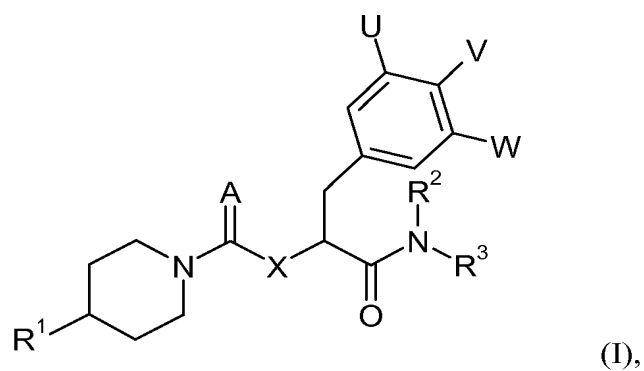
In response to the Office action mailed on February 21, 2006, Applicants hereby elect to prosecute claims directed to the invention of Group II, claims 1-11, 15-16 drawn to a piperidine compound wherein R² and R³ form a ring together, their physiologically acceptable salts, a process for preparing a pharmaceutical composition containing said compound, and a process for preparing the piperidine compound, classified in various classes depending on a species election.

The following single disclosed species is further elected: (*S*)-2-(4-amino-3-chloro-5-trifluoromethyl-benzyl)-1-[4-(4-methyl-piperazin-1-yl)-piperidin-1-yl]-4-[4-(2-oxo-1,2,4,5-tetrahydro-1,3-benzodiazepin-3-yl)-piperidin-1-yl]-butan-1,4-dione

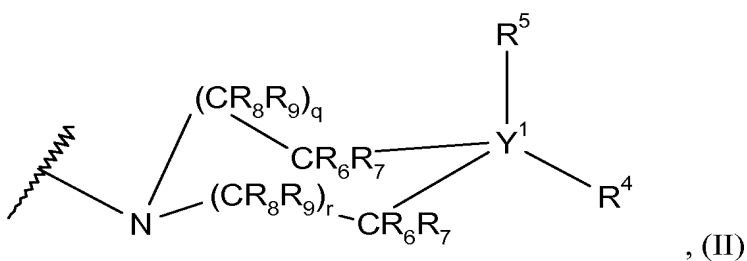
The elected species is the first compound listed in the table that appears in the specification at page 27. It has the following structural formula:



The elected species is a compound of the formula



wherein R^2 and R^3 together with the enclosed nitrogen atom denote a group of general formula



wherein

Y^1 denotes a carbon atom,

q and r represent the number 1,

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R⁴ denotes a 6-membered diazacycloalkyl group bound via a nitrogen atom and mono-substituted by a methyl group,

R⁵ denotes a hydrogen atom,

R⁶ denotes a hydrogen atom,

R⁷ denotes a hydrogen atom,

R⁸ denotes a hydrogen atom, and

R⁹ denotes a hydrogen atom.

Claims 12-14 will be amended to read as method claims. These amendments will be made in a subsequent communication.

It is hereby petitioned that the period permitted for response be extended by 3 months, pursuant to 37 CFR 1.136(a), so that it will expire on June 21, 2006.

Respectfully submitted,
/Alan Stempel/
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